

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,

Plaintiff,

 γ

TYSON FOODS, INC., et al.,

Defendants.

Case No. 05-CV-00329-GKF-SAJ

**SUPPLEMENTAL OBJECTIONS AND RESPONSES OF STATE OF OKLAHOMA TO
SEPARATE DEFENDANT TYSON POULTRY, INC.'S, FIRST SET OF
INTERROGATORIES PROPOUNDED TO PLAINTIFFS**

COMES NOW, the Plaintiff, the State of Oklahoma, ex rel. W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma, and Oklahoma Secretary of the Environment, C. Miles Tolbert, in his capacity as the Trustee for Natural Resources for the State of Oklahoma under CERCLA, (hereinafter "the State") and supplements its previous response of April 27, 2007, to Defendant Tyson Poultry, Inc's First Set of Interrogatories. The State incorporates its previous responses and objections to these interrogatories as if fully stated herein. Further, the State reserves the right to supplement its responses as additional responsive information is identified.

INTERROGATORY NO. 1: Please describe all of the efforts or actions You have undertaken or are undertaking to Identify any factor, other than those You allege are Related to the poultry industry, that may have an adverse effect on the quality of the water in the IRW, whether such factors are natural or man-made, and in doing so please Identify all persons involved or with knowledge of such efforts, and for each factor identified, please state the factor, the location, the potential or confirmed effect on the IRW. Also, please Identify all Documents Related to Your identification of non-poultry related factors.

(b) the name and address of the Grower or other person involved the violation(s) identified in response to the preceding interrogatory subpart; and

(c) Identity any notices of violations, warnings, complaints, investigative reports, agency orders, correspondence, photographs, video recordings or witness statements (written or audio) and other documents or items of evidence which relate to each such violation or form the basis of your belief that such a violation has occurred.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.4

The State hereby incorporates its April 27, 2007, supplemental response and objections to this Interrogatory as if stated fully herein. Violations of this statute can be proven through direct and / or circumstantial evidence. The State's previous supplemental response already provides the evidentiary basis upon which Plaintiff will prove these violations against Tyson and all other Defendants through circumstantial evidence. The State does not, and need not, rely for proof of this claim on evidence directly documenting each individual statutory violation, release or application of waste and tracing it from the bird to the injured resource. The State has already provided its particularized sampling data, and will continue to provide additional data as it is developed. Evidence of violations contained in individual facility files will be produced at the ODAFF document production pursuant to the Court's Order of April 24, 2007 (DKT #1118). Additionally, in those circumstances in which the State will rely on other direct evidence of the release of waste at specific times and places to prove this claim, it will supplement its responses with the specific, direct evidence it will use.

INTERROGATORY NO. 5: Please specifically Identify (without just referring to your Complaint) each and every provision of the Oklahoma Registered Poultry Operations Act and/or its implementing regulations which You contend has been violated by any Tyson Defendant or

any person or Entity for which any Tyson Defendant may allegedly be held legally responsible and provide:

(a) the date, location and a description of each such violation for which You contend a Tyson Defendant may be held liable;

(b) the name and address of the contract Grower or other person involved the violation(s) identified in response to the preceding interrogatory subpart; and

(c) Identify any notices of violations, warnings, complaints, investigative reports, agency orders, correspondence, photographs, video recordings or witness statements (written or audio) and other Documents or items of evidence which Relate To each such violation or form the basis of Your belief that such a violation has occurred.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.5

The State hereby incorporates its April 27, 2007, supplemental response and objections to this Interrogatory as if stated fully herein. Violations of this statute can be proven through direct and / or circumstantial evidence. The State's previous supplemental response already provides the evidentiary basis upon which Plaintiff will prove these violations against Tyson and all other Defendants through circumstantial evidence. The State does not, and need not, rely for proof of this claim on evidence directly documenting each individual statutory violation, release or application of waste and tracing it from the bird to the injured resource. The State has already provided its particularized sampling data, and will continue to provide additional data as it is developed. Evidence of violations contained in individual facility files will be produced at the ODAFF document production pursuant to the Court's Order of April 24, 2007 (DKT #1118). Additionally, in those circumstances in which the State will rely on other direct evidence of the

release of waste at specific times and places to prove this claim, it will supplement its responses with the specific, direct evidence it will use.

INTERROGATORY NO. 6: Please specifically Identify (without just referring to Your Complaint) each and every provision of the Oklahoma Agricultural Code which You contend has been violated by the defendants or any person or Entity for which the defendants may allegedly be held legally responsible and provide:

(a) the date, location and a description of each such violation for which You contend a Tyson Defendant may be held liable;

(b) the name and address of the Grower or other person involved the violation(s) identified in response to the preceding interrogatory subpart; and

(c) Identity any notices of violations, warnings, complaints, investigative reports, agency orders correspondence, photographs, video recordings or witness statements (written or audio) and other Documents or items of evidence which Relate To each such violation or form the basis of Your belief that such a violation has occurred.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.6

The State hereby incorporates its April 27, 2007, supplemental response and objections to this Interrogatory as if stated fully herein. Violations of this statute can be proven through direct and / or circumstantial evidence. The State's previous supplemental response already provides the evidentiary basis upon which Plaintiff will prove these violations against Tyson and all other Defendants through circumstantial evidence. The State does not, and need not, rely for proof of this claim on evidence directly documenting each individual statutory violation, release or application of waste and tracing it from the bird to the injured resource. The State has already provided its particularized sampling data, and will continue to provide additional data as it is

developed. Evidence of violations contained in individual facility files will be produced at the ODAFF document production pursuant to the Court's Order of April 24, 2007 (DKT #1118). Additionally, in those circumstances in which the State will rely on other direct evidence of the release of waste at specific times and places to prove this claim, it will supplement its responses with the specific, direct evidence it will use.

INTERROGATORY NO. 7: Please specifically Identify (without just referring to your Complaint) each and every provision of the Oklahoma Environmental Quality Act and/or its implementing regulations which You contend has been violated by any Tyson Defendant or any person or Entity for which any Tyson Defendant may allegedly be held legally responsible and provide:

(a) the date, location and a description of each such violation for which You contend a Tyson Defendant may be held liable;

(b) the name and address of the Grower or other person involved the violation(s) identified in response to the preceding interrogatory subpart; and

(c) Identify any notices of violations, warnings, complaints, investigative reports, agency orders correspondence, photographs, video recordings or witness statements (written or audio) and other Documents or items of evidence which Relate To each such violation or form the basis of Your belief that such a violation has occurred.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.7

The State hereby incorporates its April 27, 2007, supplemental response and objections to this Interrogatory as if stated fully herein. Violations of this statute can be proven through direct and / or circumstantial evidence. The State's previous supplemental response already provides the evidentiary basis upon which Plaintiff will prove these violations against Tyson and all other

Defendants through circumstantial evidence. The State does not, and need not, rely for proof of this claim on evidence directly documenting each individual statutory violation, release or application of waste and tracing it from the bird to the injured resource. The State has already provided its particularized sampling data, and will continue to provide additional data as it is developed. Evidence of violations contained in individual facility files will be produced at the ODAFF document production pursuant to the Court's Order of April 24, 2007 (DKT #1118). Additionally, in those circumstances in which the State will rely on other direct evidence of the release of waste at specific times and places to prove this claim, it will supplement its responses with the specific, direct evidence it will use.

INTERROGATORY NO. 8: Please specifically Identify (without just referring to Your Complaint) each and every provision of the Oklahoma Administrative Code which You contend has been violated by any Tyson Defendant or any person or Entity for which any Tyson Defendant may allegedly be held legally responsible and provide:

- (a) the date, location and a description of each such violation for which you contend a Tyson Defendant may be held liable;
- (b) the name and address of the Grower or other person involved the violation(s) identified in response to the preceding interrogatory subpart; and
- (c) Identity any notices of violations, warnings, complaints, investigative reports, agency orders correspondence, photographs, video recordings or witness statements (written or audio) and other Documents or items of evidence which Relate To each such violation or form the basis of Your belief that such a violation has occurred.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO.8

The State hereby incorporates its April 27, 2007, supplemental response and objections to this Interrogatory as if stated fully herein. Violations of this regulation can be proven through direct and / or circumstantial evidence. The State's previous supplemental response already provides the evidentiary basis upon which Plaintiff will prove these violations against Tyson and all other Defendants through circumstantial evidence. The State does not, and need not, rely for proof of this claim on evidence directly documenting each individual statutory violation, release or application of waste and tracing it from the bird to the injured resource. The State has already provided its particularized sampling data, and will continue to provide additional data as it is developed. Evidence of violations contained in individual facility files will be produced at the ODAFF document production pursuant to the Court's Order of April 24, 2007 (DKT #1118). Additionally, in those circumstances in which the State will rely on other direct evidence of the release of waste at specific times and places to prove this claim, it will supplement its responses with the specific, direct evidence it will use.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of May, 2007, the foregoing document was electronically transmitted to the following:

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